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BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of) FPPC No. 05/296
)
)
) STIPULATION, DECISION and
KERMIT MARSH; KERMIT MARSH FOR) ORDER
COUNCIL; FRIENDS OF KERMIT MARSH;)
KERMIT MARSH FOR REPUBLICAN)
CENTRAL COMMITTEE; KERMIT MARSH)
FOR SUPERVISOR; and KERMIT MARSH)
FOR JUDGE,)
)
Respondents.)

Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission, and Respondents Kermit Marsh, Kermit Marsh for Council, Friends of Kermit Marsh, Kermit Marsh for Republican Central Committee, Kermit Marsh for Supervisor, and Kermit Marsh for Judge, agree that this Stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondents.

Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Section 18361.1

1 through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to, the
2 right to personally appear at any administrative hearing held in this matter, to be represented by an
3 attorney at Respondents' own expense, to confront and cross-examine all witnesses testifying at the
4 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge
5 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

6 Respondents Kermit Marsh and Kermit Marsh for Council further stipulate and agree that, as
7 described in Exhibit 1, they each violated the Political Reform Act by failing to timely file two semi-
8 annual campaign statements, in violation of Section 84200, subdivision (a) (2 counts), and agree to the
9 Commission imposing upon them an administrative penalty of Seven Thousand Dollars (\$7,000).

10 Respondents Kermit Marsh and Friends of Kermit Marsh also stipulate and agree that, as
11 described in Exhibit 1, they each violated the Political Reform Act by failing to timely file two semi-
12 annual campaign statements, in violation of Section 84200, subdivision (a) (2 counts), and agree to the
13 Commission imposing upon them an administrative penalty of Seven Thousand Dollars (\$7,000).

14 Respondents Kermit Marsh and Kermit Marsh for Republican Central Committee also stipulate
15 and agree that, as described in Exhibit 1, they each violated the Political Reform Act 1) by failing to file
16 a pre-election campaign statement, in violation of Sections 84200.5, subdivision (b) and 84200.7,
17 subdivision (a) (1 count), and agree to the Commission imposing upon them an administrative penalty of
18 Three Thousand Five Hundred Dollars (\$3,500); and 2) by failing to file a semi-annual campaign
19 statement, in violation of Section 84200, subdivision (a) (1 count), and agree to the Commission
20 imposing upon them an administrative penalty of Three Thousand Five Hundred Dollars (\$3,500).

21 Respondents Kermit Marsh and Kermit Marsh for Supervisor also stipulate and agree that, as
22 described in Exhibit 1, they each violated the Political Reform Act by failing to timely file a semi-annual
23 campaign statement, in violation of Section 84200, subdivision (a) (1 count), and agree to the
24 Commission imposing upon them an administrative penalty of Three Thousand Five Hundred Dollars
25 (\$3,500).

26 Respondents Kermit Marsh and Kermit Marsh for Judge also stipulate and agree that, as
27 described in Exhibit 1, they each violated the Political Reform Act by failing to timely file two pre-
28

election campaign statements, in violation of Sections 84200.5, subdivision (b) and 84200.7, subdivision (a) (2 counts), and agree to the Commission imposing upon them an administrative penalty of Seven Thousand Dollars (\$7,000).

Exhibit 1 is attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this matter.

Respondents agree to the issuance of the Decision and Order, which is attached hereto. Respondents also agree to the Commission imposing upon them a total administrative penalty in the amount of Thirty-One Thousand Five Hundred Dollars (\$31,500), to be paid in the entirety by Respondent Kermit Marsh on behalf of all Respondents. A cashier's check from Respondent Kermit Marsh in said amount, made payable to the "General Fund of the State of California," is submitted with this Stipulation as full payment of the administrative penalty, to be held by the State of California until the Commission issues its Decision and Order regarding this matter. The parties agree that in the event the Commission refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission meeting at which the Stipulation is rejected, all payments tendered by Respondents in connection with this Stipulation shall be reimbursed to Respondents. Respondents further stipulate and agree that in the event the Commission rejects the stipulation, and a full evidentiary hearing before the Commission becomes necessary, neither any member of the Commission, nor the Executive Director, shall be disqualified because of prior consideration of this Stipulation.

[Signature Page to Follow]

1 Dated: _____

Roman G. Porter, Executive Director
Fair Political Practices Commission

4 Dated: _____

Kermit Marsh, individually and on behalf of Kermit Marsh
for Council, Friends of Kermit Marsh, Kermit Marsh for
Republican Central Committee, Kermit Marsh for
Supervisor, Respondents

8 Dated: _____

Laura Ortega¹ on behalf of Kermit Marsh for Judge,
Respondent

¹ Ms. Ortega is signing on behalf of Respondent Kermit Marsh for Judge because she is currently the designated treasurer for Respondent Kermit Marsh for Judge. Ms. Ortega does not incur any liability in this matter because the violations involved occurred before she was the designated treasurer.

DECISION AND ORDER

The foregoing stipulation of the parties “In the Matter of Kermit Marsh, Kermit Marsh for Council, Friends of Kermit Marsh, Kermit Marsh for Republican Central Committee, Kermit Marsh for Supervisor, and Kermit Marsh for Judge, FPPC No. 05/296,” including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chairman.

IT IS SO ORDERED.

Dated: _____

Ross Johnson, Chairman
Fair Political Practices Commission